

109TH CONGRESS
1ST SESSION

H. R. 373

To require notification to Congress of certain contracts, and to amend title 31, United States Code, to prohibit the unauthorized expenditure of funds for publicity or propaganda purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Ms. DELAURO (for herself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. McDERMOTT, and Ms. SLAUGHTER) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To require notification to Congress of certain contracts, and to amend title 31, United States Code, to prohibit the unauthorized expenditure of funds for publicity or propaganda purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Propaganda
5 Prohibition Act of 2005”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Investigations in 2004 and 2005 by the
2 Government Accountability Office revealed that ap-
3 propriated funds have been used in more than one
4 Federal agency to fund “covert propaganda” that is
5 “misleading as to source”.

6 (2) An independent investigation revealed that
7 the Department of Education paid a conservative
8 commentator to speak in support of the No Child
9 Left Behind Act during his television and radio ap-
10 pearances.

11 (3) The American public has been subjected to
12 receiving millions of dollars worth of messages in
13 print, television, radio, and in person without being
14 informed that the sources are not independent.

15 (4) There is not enough information about Fed-
16 eral public relations and advertising efforts to allow
17 for consistent oversight by Congress.

18 (b) PURPOSES.—The purposes of this Act are—

19 (1) to ensure that advertising and public rela-
20 tions campaigns paid for with Federal appropria-
21 tions are unbiased and factual, and do not contain
22 a political message or covert propaganda;

23 (2) to increase the oversight and evaluation of
24 advertising campaigns paid for by the Federal Gov-
25 ernment by requiring that agencies provide notice to

1 the appropriate congressional committees of all pub-
2 lic relations, media relations, and advertising con-
3 tracts;

4 (3) to require that all public relations and
5 media outreach tools developed by Federal agencies
6 inform the target audience of the source of funding
7 for the message; and

8 (4) to make permanent the prohibition against
9 spending Federal funds on publicity and propaganda
10 that has been included in appropriations Acts since
11 1951.

12 **SEC. 3. NOTIFICATION TO CONGRESS REGARDING CERTAIN**
13 **CONTRACTS.**

14 (a) REQUIREMENT TO NOTIFY CONGRESS REGARD-
15 ING CERTAIN CONTRACTS.— Not later than 30 days after
16 entering into a covered contract, an Executive agency shall
17 submit to each covered congressional committee a written
18 notification containing the name of the contractor, the
19 amount of the contract, the purpose of the contract, a
20 summary of the statement of work for the contract, and
21 any other information the agency considers relevant.

22 (b) REQUIREMENT TO SUBMIT OTHER INFORMATION
23 UPON REQUEST.—Upon request by the Comptroller Gen-
24 eral or the chairman or ranking minority member of any
25 covered congressional committee, an Executive agency

1 that provided a notification under subsection (a) for a cov-
2 ered contract shall provide to the person making the re-
3 quest—

4 (1) a copy of the covered contract;

5 (2) any modifications to the covered contract;

6 and

7 (3) any materials produced under the covered
8 contract.

9 (c) COVERED CONTRACTS.—In this section, the term
10 “covered contract” means a contract with an Executive
11 agency for public relations, media relations, advertising,
12 or public opinion research services, or any subcontract for
13 such services under a Federal contract.

14 (d) COVERED CONGRESSIONAL COMMITTEES.—In
15 this section, the term “covered congressional committee”,
16 with respect to a notification submitted by an Executive
17 agency under subsection (a), means each of the following:

18 (1) The Committee on Government Reform of
19 the House of Representatives.

20 (2) The Committee on Governmental Affairs
21 and Homeland Security of the Senate.

22 (3) The Committee on Appropriations of the
23 House of Representatives.

24 (4) The Committee on Appropriations of the
25 Senate.

1 (5) Each authorizing committee of the House of
 2 Representatives and the Senate with jurisdiction
 3 over the Executive agency submitting the notifica-
 4 tion.

5 (e) EXECUTIVE AGENCY.—In this section, the term
 6 “Executive agency” has the meaning provided in section
 7 105 of title 5, United States Code.

8 **SEC. 4. PROHIBITION ON UNAUTHORIZED EXPENDITURE**
 9 **OF FUNDS FOR PUBLICITY OR PROPAGANDA**
 10 **PURPOSES.**

11 (a) PROHIBITION.—Chapter 13 of title 31, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing new section:

14 **“§ 1355. Prohibition on unauthorized expenditure of**
 15 **funds for publicity or propaganda pur-**
 16 **poses**

17 “(a) PROHIBITION.—An officer or employee of the
 18 United States Government may not make or authorize an
 19 expenditure or obligation of funds for publicity or propa-
 20 ganda purposes within the United States unless author-
 21 ized by law.

22 “(b) PENALTIES.—

23 “(1) ADVERSE PERSONNEL ACTION.—An officer
 24 or employee of the United States Government vio-
 25 lating subsection (a) shall be subject to appropriate

1 administrative discipline including, when cir-
 2 cumstances warrant, suspension from duty without
 3 pay or removal from office.

4 “(2) CRIMINAL PENALTY.—An officer or em-
 5 ployee of the United States Government knowingly
 6 and willfully violating subsection (a) shall be fined
 7 not more than \$5,000, imprisoned for not more than
 8 2 years, or both.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 for chapter 13 of such title is amended by adding at the
 11 end the following new item:

“1355. Prohibition on unauthorized expenditure of funds for publicity or propa-
 ganda purposes.”.

12 **SEC. 5. REQUIREMENT FOR DISCLOSURE OF FEDERAL**
 13 **SPONSORSHIP OF ALL FEDERAL ADVER-**
 14 **TISING OR OTHER COMMUNICATION MATE-**
 15 **RIALS.**

16 (a) REQUIREMENT.—Each advertisement or other
 17 communication paid for by an Executive agency, either di-
 18 rectly or through a contract awarded by the Executive
 19 agency, shall include a prominent notice informing the tar-
 20 get audience that the advertisement or other communica-
 21 tion is paid for by that Executive agency.

22 (b) ADVERTISEMENT OR OTHER COMMUNICATION.—
 23 In this section, the term “advertisement or other commu-
 24 nication” includes—

1 (1) an advertisement disseminated in any form,
2 including print or by any electronic means; and

3 (2) a communication by an individual in any
4 form, including speech, print, or by any electronic
5 means.

6 (c) EXECUTIVE AGENCY.—In this section, the term
7 “Executive agency” has the meaning provided in section
8 105 of title 5, United States Code.

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